

MINUTES OF THE REGULAR CITY COUNCIL MEETING
TUESDAY- -DECEMBER 15, 2009- -7:30 P.M.

Mayor Johnson convened the Regular Meeting at 7:37 p.m.

ROLL CALL - Present: Councilmembers deHaan, Gilmore,
Matarrese, Tam, and Mayor Johnson - 5.

Absent: None.

AGENDA CHANGES

(09-500) Mayor Johnson announced that Resolution No. 14408 [paragraph number, 09-502] would be addressed after Special Orders of the Day.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

(09-501) Presentation on East Bay Regional Park District (EBRPD) Oil Spill Response at Crown Beach.

John Escobar, EBRPD Assistant General Manager, gave a Power Point presentation.

In response to Mayor Johnson's inquiry about the amount of oil recovered, Mr. Escobar stated out of the 400 gallons spilled, an estimated 152 gallons were recovered from the water, which is probably as good as possible; the conditions on the Bay were excellent for water skimming; noted the amount recovered does not include the amount recovered from the shoreline.

Mayor Johnson thanked EBRPD for doing an excellent job.

Councilmember Matarrese inquired whether people walking barefoot on the beach would pick up oil on their feet, to which Mark Ragatz, EBRPD Shoreline Manager, responded very little.

In response to Vice Mayor deHaan's inquiry regarding cleanup costs, Mr. Escobar stated agencies track costs; the damage assessment process could take years; money goes into shoreline projects once the damage amount is determined; however, the projects are not necessarily in the area where the damage occurred.

In response to Councilmember Tam's inquiry regarding fishing, Mr. Ragatz stated Fish and Game conducted tests; the shoreline just reopened for crabbing and muscle collecting; the fisheries reopened two weeks ago; there were no adverse impacts to crabs or muscles.

Mayor Johnson inquired whether affected public entities could make

claims.

The City Attorney responded there is a process for submitting claims; stated the City has done so in the past; that she is not aware of any damages in this particular event.

Mr. Escobar noted private businesses that lost business due to the spill could submit claims.

Mayor Johnson stated the public should be made aware; the City should submit a claim if any resources were used.

REGULAR AGENDA ITEM

(09-502) Resolution No. 14408, "Appointing Ian M. Couwenberg as a Member of the Housing Commission." Adopted.

Councilmember Matarrese moved adoption of the resolution.

Vice Mayor deHaan seconded the motion, which carried by unanimous voice vote - 5.

The City Clerk administered the Oath of Office and presented Mr. Couwenberg with a certificate of appointment.

Mr. Couwenberg thanked the Council for the opportunity to serve on the Housing Commission.

CONSENT CALENDAR

Mayor Johnson announced that the recommendation to accept the Annual Report [paragraph no. 09-507] and recommendation to adopt plans and specifications and authorize a call for bids for the Webster Street/Wilver "Willie" Stargell Avenue intersection project [paragraph no. 09-509] were removed from the Consent Calendar for discussion.

Councilmember Gilmore moved approval of the remainder of the Consent Calendar.

Vice Mayor deHaan seconded the motion, which carried by unanimous voice vote - 5. [Items so enacted or adopted are indicated by an asterisk preceding the paragraph number.]

(*09-503) Minutes of the Special and Regular City Council Meetings held on November 17, 2009, and the Regular Meeting held on December 1, 2009. Approved.

(*09-504) Ratified bills in the amount of \$3,023,008.98.

(*09-505) Recommendation to Accept the Special Tax and Local Bond Measure Annual Report. Accepted.

(*09-506) Recommendation to Accept the Police and Fire Services Fee Report. Accepted.

(09-507) Recommendation to Accept the Annual Report for the Public Art Fund as Required by the Public Art Ordinance.

In response to Councilmember Matarrese's inquiry regarding administrative costs, the Planning Services Manager stated the amount is the cost for staff to support the Public Art Commission.

Councilmember Matarrese inquired whether money would be spent on art; stated that he does not recall seeing the Public Art Plan, which is supposed to be updated annually.

The Planning Services Manager responded there have been discussions regarding updating the Plan and the Public Art Ordinance; stated Commissioners are working to identify a piece of public art, but are having trouble finding a location.

Councilmember Matarrese inquired whether the ordinance requires an Annual Plan, to which the Planning Services Manager responded that he would have to check.

Councilmember Matarrese questioned why the fund is being drawn down without producing public art.

Mayor Johnson stated that she does not recall that staffing was to be paid for out of the Public Art Fund.

The Interim City Manager stated Community Development staffs the Commission; staff time would have to be charged to a fund that has challenges; the ordinance requires reporting out on the cash in the fund; Council can request that more details be provided.

Councilmembers Matarrese stated the fund is being drawn down without delivering art.

Councilmember Tam inquired whether staffing costs would still occur with or without art projects, to which the Planning Services Manager responded in the affirmative.

Mayor Johnson inquired whether the issue would be reviewed, to which the Interim City Manager responded in the affirmative.

Mayor Johnson stated money is available; providing some art would be nice.

Councilmember Matarrese moved approval of the staff recommendation with direction that the Interim City Manager find out what is supposed to happen [as required by the ordinance] and return to Council with an update.

Mayor Johnson stated [the motion should include] that the Public Art Commission should look for a project.

Councilmember Matarrese agreed to amend the motion.

Vice Mayor deHaan seconded the motion with a caveat noting that staff is reviewing all Boards and Commissions; inquired when the review would come forward.

The Interim City Manager responded the matter probably would be addressed in February.

On the call for the question, the motion carried by unanimous voice vote - 5.

(*09-508) Recommendation to Conduct the Affordable Housing Ordinance Annual Review Consistent with Section 27-1 of the Alameda Municipal Code and California Government Code Section 66001 and Accept the Annual Report. Accepted.

(09-509) Recommendation to Adopt Plans and Specifications and Authorize a Call for Bids for the Webster Street/Wilver "Willie" Stargell Avenue Intersection Project - Landscape and Irrigation Improvements, No. P.W. 06-09-18.

The City Engineer gave a brief presentation.

Councilmember Matarrese stated the bid is for landscaping and irrigation; inquired whether the project is using bay friendly landscaping that does not require irrigation.

The City Engineer responded the Bay Friendly Guidelines were followed; stated the required number of points was achieved; irrigation is used to establish plants; all plants are bay friendly.

In response to Councilmember Matarrese's inquiry about whether the irrigation would be temporary, the City Engineer stated the irrigation remains in the event plants die.

Councilmember Tam noted the plants would be drought tolerant.

Councilmember Matarrese moved approval of the staff recommendation.

Councilmember Tam seconded the motion, which carried by unanimous voice vote - 5.

(*09-510) Recommendation to Adopt Plans and Specifications and Authorize a Call for Bids for the Buena Vista Avenue Street Rehabilitation Project, No. P.W. 02-09-05. Accepted.

(*09-511) Recommendation to Accept the Work of Ranger Pipelines, for the Alameda Municipal Power/Webster Street Joint Trench and Utility Relocation Project, No. P.W. 08-08-23. Accepted.

(*09-512) Recommendation to Accept the Work of Harty Pipelines, Inc., for Fernside Boulevard Sewer Rehabilitation, Thompson Avenue to High Street, No. P.W. 03-09-09. Accepted.

(*09-513) Ordinance No. 3013, "Amending Ordinance No. 1277 N.S., to Rezone Approximately 48 Acres Located at 1501 and 1523 Buena Vista Avenue (Encinal Terminals and Del Monte Building), APNs 072-038200200, 072-038200400, 072-038200300, 072-038201000, 072-038200500, 072-038200900, 072-038300100, 072-038300200 and 072-038300300, from M-2 General Industrial (Manufacturing) District to M-X Mixed Use Zoning Designation." Finally passed; and

(*09-513A) Ordinance No. 3014, "Amending Municipal Code Section 30-4.20 of Article I (Zoning Districts and Regulations) of Chapter XXX (Development Regulations) by Adding Subsection 30-4.20(j) to the M-X Mixed Use Planned Development District Zoning Regulations to Allow for Application for Interim Use Permits Under Certain Conditions." Finally passed.

CITY MANAGER COMMUNICATIONS

(*09-514) Presentation on Library Branch Upgrades (Measure O).

Chris Noll, Noll & Tam, gave a Power Point presentation.

Mayor Johnson inquired what things would have been included were it not for budget issues.

Mr. Noll responded that he was concerned about the budget at first; however, the economic crisis has been good for the project; everything on the list has been included; doubling the size of the branches is one desirable thing that would be well above budget;

all priority items have been included.

Mayor Johnson stated greater access to technology was one of the goals; inquired whether computers would be added and whether the cost is part of the budget.

Mr. Noll responded the number of computers is increasing; stated that he does not recall if the amount is included in the budget.

In response to Mayor Johnson's inquiry about items that could be completed in the event the project comes in under budget, Mr. Noll stated landscaping around the buildings would be a great improvement, which was not included in the budget.

Vice Mayor deHaan inquired how many new computer work stations would be installed [in the West End branch].

Mr. Noll responded the number of computers would increase from two to twelve.

Councilmember Gilmore inquired whether the number of books would decrease, to which Mr. Noll responded in the affirmative.

Councilmember Gilmore inquired where the books would go; further inquired whether a study was completed to determine what books would best serve the population that uses the branch.

The Library Director responded the strategic planning process included focus groups; stated the process showed that service needed to be refocused to serve children, teens, seniors and families; collections are being reduced accordingly; most of the collections are being transferred to the Main Library; adults felt books could be requested on line and held for pick up, rather than being on the shelf; materials have already started to be shifted; more people space was requested.

Mayor Johnson stated the trend seems to be for more people space and transferring books to be stored off site.

Councilmember Tam stated the contingency cost is about 17.7%; inquired what are the soft costs and whether Public Works staff activities would be charged to the fund.

Mr. Noll responded soft costs include staff costs, construction management, inspections, permit fees and design support; stated the contingency is included for unknown factors; the building is old; a 15% to 20% contingency is appropriate and reasonable.

In response to Councilmember Tam's inquiry regarding which City departments would charge to the project, the City Engineer stated Public Works is managing the Contract with Noll and Tam and has been and will continue to have charges; administrative costs will occur during construction; most inspections will be done through the Community Development Department.

Mayor Johnson requested a break down of the amounts departments are charging; inquired whether a private construction manager was considered.

The City Engineer responded hiring a private construction manager would cause costs to increase; stated on small projects, the Public Works Department costs are 7% to 8% and outside consultants are 15%.

Mayor Johnson inquired whether the percentages reflect the current market, to which the City Engineer responded in the affirmative.

The Public Works Director noted permit fees cover building inspection costs.

Mr. Noll continued his presentation on the Bay Farm Island branch.

Vice Mayor deHaan inquired whether uses were reviewed for the adjacent part of the building that is used by the Recreation and Parks Department.

Mr. Noll responded the occupancy is completely separate; stated the library does not have use of the space.

The Library Director responded Leydecker Park has Tiny Tots programs and classes are held at the same time the library is open; stated the use was not reviewed.

Councilmember Matarrese stated that he appreciates that the project is now moving forward quickly; that he is anxious for branch improvements to be completed; inquired whether cork flooring was considered for the Bay Farm Island branch and why carpet was selected.

Mr. Noll responded the carpet selected is very tough and can be cleaned; stated carpet tiles allow ruined tiles to be replaced; the carpet is versatile and cost effective; cork is being used at the West End branch for historic purposes.

Councilmember Matarrese inquired whether the issue could be evaluated.

The Library Director responded the matter was reviewed; stated the Bay Farm Island branch has concrete slab and would not have as much insulation as the West End branch; sand is tracked in from the playground; sand could grind in and damage a cork floor.

Councilmember Gilmore stated that she is impressed with how everyone worked to get the most out of the money; unused money should go to landscaping.

Mayor Johnson concurred; stated Council should set landscaping as a priority.

Speaker: Christopher Buckley, Alameda Architectural Preservation Society.

Mayor Johnson requested Mr. Buckley's comments on the shelving at the West End branch be addressed.

Mr. Noll stated there was not a way to be ADA compliant and save the narrow, tight shelving behind the existing service desk; shelving on the columns is being preserved; the character is being retained.

Mayor Johnson stated there is a goal to make more room for people in the library.

Mr. Noll noted the shelving at the entry is also being removed because it is not very functional and takes up too much room.

In response to Mayor Johnson's inquiry regarding Mr. Buckley's lighting concerns, Mr. Noll stated the original fixtures were strip fluorescents, were probably a result of value engineering, were not in the character of the building and have been replaced; the fixtures selected are more of the era.

Mayor Johnson inquired whether Mr. Noll does not believe the lighting is too modern; to which Mr. Noll responded the lighting has an art deco flavor.

Mayor Johnson inquired when the building was constructed, to which Mr. Noll responded 1933.

Councilmember Gilmore inquired whether the entrance area would have low walls, to which Mr. Noll responded in the affirmative.

Mayor Johnson stated early pictures show there was more space; inquired whether shelving was added over the years, to which Mr.

Noll responded in the affirmative.

In response to Vice Mayor deHaan's inquiry regarding shelving changes, Mr. Noll stated original shelving was just around the building perimeter.

The Library Director stated original shelving covered by metal shelving would be uncovered; more original shelving would be used.

Councilmember Matarrese stated due diligence has been taken in being sensitive in the design of the building; the project is to meet the needs of the library today and is not a preservation project; that he is satisfied that the project is going in the right direction.

In response to Councilmember Gilmore's inquiry about whether computers would be wired or Wi-Fi, the Library Director stated both would be available at both branches.

(09-515) Measure B Ballot Initiative: City Council Referral Update.

The Interim City Manager announced that a Joint Meeting with the School Board would be held on January 5, 2010.

REGULAR AGENDA ITEMS

(09-516) Introduction of Ordinance Amending the Alameda Municipal Code by Amending Subsection 8-7.8 (Leaving Vehicle on Street in Excess of Seventy-Two Hours); Amending Subsection 8-7.9 (Heavy Commercial Vehicles); Amending Subsection 8-7.10 (Overnight Parking of Large Vehicles); and Adding Subsection 8-7.11 (Trailers and Other Non-vehicles and Select Vehicles Prohibited) Prohibiting the Parking of Recreational Vehicles and Trailer Coaches on City Streets. Introduced.

The Police Lieutenant gave a brief presentation.

In response to Mayor Johnson's inquiry regarding new requirements for parking [heavy commercial vehicles] on private property, the Police Lieutenant stated said parking is eliminated.

Councilmember Gilmore inquired whether boats on trailers could still be parked on driveways, the Police Lieutenant responded in the affirmative.

In response to Councilmember Matarrese's inquiry regarding parking in garages, the Police Lieutenant stated commercial vehicles are

specified in the Health and Safety Code and Vehicle Code; said vehicles should be parked in commercially zoned districts only.

Councilmember Gilmore inquired whether the process for ticketing abandoned vehicles is complaint driven; stated people going on vacation might have to park in front of their house and should not be towed.

The Police Lieutenant responded officers self-initiate when vehicles look very blighted; stated other cases are called in by neighbors; officers have discretion when responding; in 2008, there were 3,200 reports, 2,438 vehicles were marked and only 106 were towed.

Councilmember Tam inquired whether the City is fairly casual and does not require that people going on vacation obtain a placard or residential parking permit.

The Police Lieutenant responded the City is quite reasonable and does not have placards; stated if people call before leaving, the Traffic Sergeant suggests that neighbors be notified and someone be asked to move the car.

Mayor Johnson stated the process should not be complaint driven; the City should be fairly aggressive once new regulations are implemented; there are many clunkers on Clement Avenue.

The Police Lieutenant noted that sometimes vehicles can be towed immediately for other reasons, such as expired plates, flat tires or oil leaks.

Mayor Johnson inquired whether new regulations require all vehicles to be moved one mile, to which the Police Lieutenant responded in the affirmative.

Mayor Johnson inquired whether the fine could be increased in the event of multiple occurrences.

The Interim City Manager stated the matter would be addressed as part of the annual master fee resolution revision.

The Police Lieutenant continued the presentation.

Mayor Johnson inquired whether the Police Department would not have to worry about prohibited vehicles being moved and could just issue a citation, to which the Police Lieutenant responded in the affirmative.

In response to Mayor Johnson's inquiry regarding driveway parking requirements, the City Attorney stated the ordinance prohibits boats and recreational vehicles on City streets; requirements can be added to only allow said vehicles to be parked in garages or behind fences.

Mayor Johnson inquired whether citations could be issued.

The City Attorney responded in the affirmative; stated Code Enforcement deals with the issue.

In response to Mayor Johnson's inquiry about shifting responsibility to the Police Department, the City Attorney stated the matter becomes a warrant issue.

The Interim City Manager stated the matter could be reviewed.

Mayor Johnson stated the process should expeditious.

Councilmember Gilmore stated changing the driveway 20-foot requirement was discussed; the issue should be reviewed and brought back.

Mayor Johnson stated that she concurs; parking personal vehicles should be permitted, but boats, motor homes or trailers should not be allowed.

Councilmember Gilmore stated neighborhoods are impacted by street parking; making the change soon would help get cars off the street.

Councilmember Matarrese noted a trailer full of junk was parked next to Mastick for weeks; other trailers have been parked on Clement Avenue for weeks; one was moved to Triumph and Independence Drives and has been there for four days; a trimaran has been on Independence Drive for three weeks.

Mayor Johnson stated written enforcement priorities need to be set for Code Enforcement to ensure resources are being used for the most egregious cases.

The Interim City Manager stated staff would address the issue; noted staff is working to make revisions to the Municipal Code.

Speaker: Michael John Torrey, Alameda.

Councilmember Tam stated staff is being asked to do more with less; the fine should be structured to cover increased workload costs.

Mayor Johnson stated the ordinance changes might save time.

Councilmember Tam stated the public needs to be made aware of the changes.

The Interim City Manager stated staff would get the word out in the paper and on the website.

Mayor Johnson suggested there be a two-week notice period, followed by two weeks of issuing warnings and then, the Police should begin aggressive enforcement.

Councilmember Matarrese moved introduction of the ordinance.

Vice Mayor deHaan seconded the motion, which carried by unanimous voice vote - 5.

ORAL COMMUNICATIONS, NON-AGENDA

(09-517) Michael John Torrey, Alameda, wished everyone a Merry Christmas.

(09-518) David Strait, Alameda, submitted comments; discussed staff.

(09-519) Robb Ratto, Park Street Business Association, discussed staff.

COUNCIL REFERRALS

(09-520) Consider Closing City Administrative Offices at Noon on December 24, 2009 and December 31, 2009.

Councilmember Gilmore moved approval of closing City Administrative Offices at noon on December 24, 2009 and December 31, 2009.

Councilmember Matarrese seconded the motion, which carried by unanimous voice vote - 5.

(09-521) Consider Development of an Ordinance that Would Require 24-Hour, On-Site Management of Multi-Family Residential Buildings that Contain at Least a Certain Number of Units.

Mayor Johnson stated Council should consider establishing a requirement for on site managers for apartment complexes of a certain size; that she is not sure what size should be selected; the Fire Department receives all kinds of maintenance calls; the issue should be reviewed for the safety of residents.

Councilmember Gilmore stated the Community Development Department created a list of complexes when working on the soft story ordinance; the list would provide an idea of the number of structures, which would be a good place to start.

Councilmember Matarrese stated getting a report back from staff would be worthwhile; the report should indicate costs; costs need to be weighed against benefits; sometimes health, safety and maintenance issues end up costing the City money.

Vice Mayor deHaan stated that he would like to see if there is a correlation between calls being placed and having on site management.

Mayor Johnson stated a resident sent an e-mail regarding a complex on Buena Vista Avenue; there are issues related to general maintenance and oversight, not just Police and Fire calls.

Councilmember Tam stated that she has received calls from Crolls Apartment residents; the building has problems due to an absentee landlord; the Rent Review Advisory Committee (RRAC) hears said issues; that she would like the RRAC to provide input; the State has complex tenant and landlord laws, that she does not want unintended consequences if the matter goes forward.

Councilmember Gilmore stated that she would like staff input on enforcement, questioned whether managers would have to register each building.

The Interim City Manager stated other cities ordinances could be reviewed.

COUNCIL COMMUNICATIONS

None.

ADJOURNMENT

There being no further business, Mayor Johnson adjourned the meeting at 9:38 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

The agenda for this meeting was posted in accordance with the Brown Act.

MINUTES OF THE SPECIAL JOINT CITY COUNCIL AND
PUBLIC UTILITIES BOARD (PUB) MEETING
TUESDAY- -DECEMBER 15, 2009- -6:30 p.m.

Mayor Johnson convened the Special Joint Meeting at 6:30 p.m.

ROLL CALL - Present: Councilmembers deHaan, Gilmore, Matarrese, Tam, and Mayor Johnson; Board Members Gallant, Hamm, Holmes, McCahan, McCormick - 10.

Note: Board Member Hamm was present via teleconference from Chattanooga Marriott at the Convention Center, Two Carter Plaza, Chattanooga, Tennessee.

Absent: None.

The Joint Meeting was adjourned to Closed Session to consider:

(09-496CC/PUB) Conference with Legal Counsel - Existing Litigation (54956.9); Significant Exposure to Litigation Pursuant to Subdivision (b) of Section 54956.91 Name of Cases: Vectren Communication Services, Inc. v. City of Alameda; Nuveen Municipal High Income Opportunity Fund, et al. v. City of Alameda, et al; Bernard Osher Trust v. City of Alameda, et al.

(09-497CC) Conference with Labor Negotiators; Agency negotiators: Karen Willis and Joe Wiley; Employee organizations: All Bargaining Units.

Following the Closed Session, the Special Meeting was reconvened and Mayor Johnson announced that regarding Existing Litigation, the City Council and PUB received a briefing from legal counsel on the status of the litigation and provided direction regarding litigation strategy.

Mayor Johnson called a recess at 7:30 p.m. and reconvened the Closed Session at 9:45 p.m.

Following the Closed Session, the Special Meeting was reconvened and Mayor Johnson announced that regarding Labor, the City Council received a briefing on the status of negotiations.

ADJOURNMENT

There being no further business, Mayor Johnson adjourned the Special Meeting at 11:00 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

The agenda for this meeting was posted in accordance with the Brown Act.

MINUTES OF THE SPECIAL JOINT CITY COUNCIL AND
COMMUNITY IMPROVEMENT COMMISSION (CIC) MEETING
TUESDAY- -DECEMBER 15, 2009- -7:31 P.M.

Mayor/Chair Johnson convened the Joint Meeting at 7:35 p.m.
Councilmember/Commissioner Matarrese led the Pledge of Allegiance.

ROLL CALL - Present: Councilmembers/Commissioners deHaan,
Gilmore, Matarrese, Tam and Mayor/Chair
Johnson - 5.

Absent: None.

CONSENT CALENDAR

Councilmember/Commissioner Matarrese moved approval of the Consent Calendar

Councilmember/Commissioner Tam seconded the motion, which carried by unanimous voice vote - 5. [Items so enacted or adopted are indicated by an asterisk preceding the paragraph number.]

(*09-498 CC/09-57 CIC) Minutes of the Special Joint City Council, Alameda Reuse and Redevelopment Authority, and Community Improvement Commission Meeting held on December 2, 2009. Approved.

(*09-58 CIC) Recommendation to Authorize the Transmittal of the Community Improvement Commission Basic Component Unit Financial Statement for the Year Ended June 30, 2009. Accepted.

(*09-499 CC/09-59 CIC) Recommendation to Authorize Transmittal of the Community Improvement Commission's Annual Report to the State Controller's Office and the City Council; Authorize Transmittal of the Redevelopment Agency Annual Housing Activity Report to the State Department of Housing and Community Development and the State Controller's Office; and Accept the Annual Report; and

(*09-59A CIC) Resolution No. 09-164, "Approving and Adopting the Operating Budget and Appropriating Certain Moneys for the Expenditures Provided in Fiscal Year 2009-2010." Adopted.

AGENDA ITEMS

None.

ADJOURNMENT

There being no further business, Mayor/Chair Johnson adjourned the Special Joint Meeting at 7:36 p.m.

Respectfully submitted,

Lara Weisiger, City Clerk
Secretary, CIC

The agenda for this meeting was posted in accordance with the Brown Act.